

IN MEDICINE AND SURGERY

Case No.: 3785

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By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Jack D. Bouchier, D.O. (hereinafter "Respondent"), the parties, hereto agree to the following disposition to this matter.

1. Respondent acknowledges that he has read this Interim Consent Agreement and Order; and, Respondent is aware of and understands the content of these documents.

2. Respondent understands that by entering into this Interim Consent Agreement and Order, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the Interim Consent Agreement and Order in state or federal court.

3. Respondent understands that this Interim Consent Agreement and Order will not become effective unless approved by the Board and signed by its Executive Director.

4. Respondent further understands that this Interim Consent Agreement and Order, once approved and signed, shall constitute a public record which will be disseminated as a formal action of the Board.

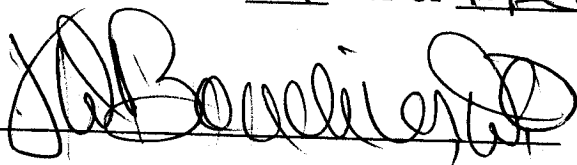
5. Respondent admits to the statement of facts and conclusions of law contained in the Interim Consent Agreement & Order.

6. All admissions made by Respondent are solely for interim disposition of this

1 matter and any subsequent administrative proceedings or litigation involving the Board,
2 Respondent and the State of Arizona; and, therefore, said admissions by Respondent are not
3 intended for any other purpose or administrative regulatory proceeding or litigation in another
4 state or federal court.

5 7. Respondent acknowledges and agrees that upon signing and returning this
6 document (or a copy thereof) to the Board's Executive Director, he may not later revoke or
7 amend any part of the Interim Consent Agreement and Order, without first obtaining Board
8 approval.

9
10 REVIEWED AND ACCEPTED THIS 11 DAY OF DECEMBER 2006.

11
12 

13 Jack D. Bouchier, D.O., Respondent
14

15 **JURISDICTIONAL STATEMENTS**

16 1. The Board is empowered, pursuant to A.R.S. §§ 32-1800 et seq. to regulate the
17 licensing and practice of osteopathic medicine in Arizona.

18 2. The Board has the authority to informally dispose by stipulation, agreed
19 settlement, consent order or default pursuant to A.R.S. § 41-1092.05 (F)(5).

20 3. Respondent holds license No. 0800 to practice osteopathic medicine in Arizona.
21

22 **FINDINGS OF FACT**

23 4. In August 2006 the Board received information that the Respondent was on
24 medical leave and was receiving treatment for alcohol withdrawal.

25 5. The Respondent had previously been disciplined and monitored by the Board
from 2000 through 2004 for this same reason.

6. Based upon the information in the Board's possession there is evidence that Respondent had an alcohol abuse relapse.

7. Respondent appeared at a case review/summary suspension hearing before the Board on October 21, 2006, and agreed to enter into a consent agreement for a five (5) year probation.

CONCLUSIONS OF LAW

1. Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The conduct and circumstances described in paragraphs 4 through 6 above if proven true could constitute unprofessional conduct as defined in the following paragraphs of A.R.S. § 32-1854:

(4) Being diagnosed by a physician licensed under this chapter or chapter 13 of this title or a psychologist licensed under chapter 19.1 of this title as excessively or illegally using alcohol or a controlled substance.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED AS FOLLOWS:

Pursuant to A.R.S. §§ 32-1855 (C) and 41-1064 (C), License No. 0800 held by **JACK D. BOUCHIER, D.O.**, ("Respondent") shall be placed on **PROBATION** for 5 years from the date of this order with the following terms and conditions of probation as set forth herein:

1. Respondent will develop a plan for aftercare treatment and monitoring which shall include, but may not be limited to, individual and/or group counseling sessions, random body fluid testing, agreement for release of treatment records and reports to the Board, prohibition of the use of alcohol and controlled substances unless the latter is prescribed or coordinated by his treating physician, and regular meeting with the Board, and submit this plan to the Board for its approval.

1 2. From the date of this Order, Respondent shall obtain psychiatric or psychological
2 treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is
3 selected by Respondent and approved by the Board. Respondent shall comply with the therapist
4 recommendation for the frequency of therapy treatment sessions. Respondent shall inform the
5 Board by letter (mailed within ten days of the date of this Order) of the therapist's name; and,
6 Respondent shall undertake and fully cooperate with a program of treatment established by the
7 therapist. In the event Respondent changes therapists, he shall give the Board written notice
8 within ten (10) days of said action. Respondent shall not discontinue or reduce the frequency of
9 psychotherapy sessions until he has submitted a written request to the Board and obtained Board
10 approval.

11 3. Respondent's therapist(s) shall receive a copy of this Order and Board staff shall
12 cooperate with and disclose all relevant information in the Board's files concerning Respondent.
13 The treating therapist shall be directed by Respondent to send to the Board a detailed written
14 progress report every month for the remainder of the probation; and Respondent, shall waive any
15 confidentiality concerning his psychotherapy in order that the Board may receive full disclosure
16 of information. The expense of the aforementioned therapy and the reports to the Board by
17 Respondent's therapist shall be the sole responsibility of the Respondent.

18 4. Respondent shall provide a copy of this Order and any subsequent Orders to all
19 facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or
20 subsequently receives) privileges to engage in the practice of medicine. Respondent shall
21 provide a copy of this Order to all treating physicians, dentists and or health care professionals.
22 Respondent shall continue to make the aforementioned disclosure and provide copies of this
23 Consent Order until the expiration of this Order.

24 5. Respondent shall abstain completely from the consumption of alcoholic beverages
25 or any substance with alcohol (i.e. cough syrups); and, Respondent shall not consume illicit
drugs or take any controlled substances (i.e., prescription only drugs), unless his treating

1 physician prescribes such medication for him with the awareness that Respondent has a
2 substance abuse disorder. Respondent shall maintain a monthly log (for the duration of
3 probation) of all prescription only drugs taken by him and such log shall include the following
4 information:

- 5 (a) the name of the medication;
- 6 (b) name of prescribing physician;
- 7 (c) reason for the medication.

8 6. At the first of each month, Respondent shall report by letter to the Board whether
9 or not he is taking any prescription only medication and, if so, a copy of his log reflecting the
10 above information.

11 7. Respondent shall also, as part of his probation: (A) submit to and cooperate in
12 any independent medical or psychological evaluation that is ordered by the Board for
13 Respondent and conducted by the Board's designated physician and/or psychologist which shall
14 be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written
15 or telephonic notification from the Board's executive director which shall be given at least five
16 (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and
17 promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for
18 testing and said testing shall be done at the Respondent's expense.

19 8. Respondent shall participate in a minimum of three (3) self-help meetings per
20 week through such organizations as A.A., N.A., C.A. and doctor's Caduceus group. Respondent
21 shall keep a log of all meetings attended and have the log signed by the chairperson of the
22 meeting. Respondent will provide the Board with a copy of the signed log the first of every
23 month.

24 9. In the event Respondent moves and ceases to practice medicine in Arizona, he
25 shall give written notice to the Board of his new residence address within twenty (20) days of
moving; and, the terms and duration of probation may be stayed by the Board until Respondent
returns to practice medicine in Arizona.

1 10. Respondent shall reimburse the Board for all expenses associated with the
2 continued monitoring of this matter.

3 11. Respondent shall continue to meet all licensing requirements such as continuing
4 medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-
5 1825.

6 12. The Board's Executive Director shall send correspondence to the appropriate state
7 and/or federal law enforcement agency disclosing information in the Board's possession which
8 may establish criminal misconduct by Respondent, i.e., illicit use of controlled substances.

9 13. Respondent's failure to comply with the requirements of this Order shall
10 constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be
11 considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in
12 the event that Respondent fails to comply with any of the requirements of this Order.



ISSUED THIS 26TH DAY OF DECEMBER 2006.

STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS IN
MEDICINE AND SURGERY

19 By: _____

Jack Confer, Executive Director

20 Original "Consent Agreement to
21 Findings of Fact, Conclusions of Law,
22 and Probationary Order" filed this 26TH
day of DECEMBER, 2006 with the:

23 Arizona Board of Osteopathic Examiners
24 In Medicine and Surgery
25 9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

1 Copy of the foregoing "Consent Agreement to
2 Findings of Fact, Conclusions of Law,
3 and Probationary Order" sent via certified,
4 return receipt requested this 26th
5 day of DECEMBER, 2006 to:

6 Jack D. Bouchier, D.O.
7 1721 North 39th Drive
8 Showlow, AZ 85901

9 Copies of the foregoing "Consent Agreement to
10 Findings of Fact, Conclusions of Law,
11 and Probationary Order" sent via regular
12 mail this 26th day of DECEMBER, 2006 to:

13 Blair Driggs, AAG
14 Office of the Attorney General CIV/LES
15 1275 West Washington
16 Phoenix AZ 85007

